

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 21-1917V

UNPUBLISHED

JILL J. SPARKMAN, as personal  
representative of ESTATE OF  
KENNETH W. JACKMAN,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: November 15, 2022

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Table Injury; Influenza (Flu) Vaccine;  
Guillain-Barre Syndrome (GBS)

*Jane Ann Morrow, Otorowski, Johnston, et al., Bainbridge Island, WA, for Petitioner.*

*Mary Eileen Holmes, U.S. Department of Justice, Washington, DC, for Respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

On September 27, 2021, former Petitioner Jo Ellen Jackman filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*<sup>2</sup> (the “Vaccine Act”), on behalf of her disabled and incompetent spouse, Kenneth W. Jackman. Ms. Jackman alleged that Mr. Jackman suffered Guillain-Barré Syndrome (“GBS”) caused by the influenza vaccine he received on October 28, 2020. Petition at 1, ¶¶ 9(b), (i), 18. Ms. Jackman further alleged that Mr. Jackman received the vaccine within the United States, that he had suffered the residual effects of his GBS for more than six months, and that neither he nor any other party has filed a civil case or

<sup>1</sup> Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

received compensation for his GBS, alleged to be vaccine caused. *Id.* at ¶¶ 9(b), 13, 15-16. After Mr. Jackman's passing, Jill J. Sparkman, as personal representative of Mr. Jackman's estate, was substituted in as Petitioner. ECF No. 32. The case was assigned to the Special Processing Unit of the Office of Special Masters. ECF No. 37.

On November 14, 2022, Respondent filed a combined Rule 4(c) Report and Proffer in which he concedes that Petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report and Proffer at 2, 6. Specifically, Respondent believes "that [P]etitioner has satisfied the criteria set forth in the Vaccine Injury Table and the Qualifications and Aids to Interpretation (QAI)." *Id.* at 5.

**In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**

Brian H. Corcoran  
Chief Special Master